

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(s): Jonathan D. Levine
SERIAL NO.: 10/041,081 ART UNIT: 2178
FILING DATE: January 7, 2002 EXAMINER: Cesar B. Paula
TITLE: SYSTEM HAVING A SINGLE, ROBUST, UNIVERSAL
WORKFLOW FOR THE CREATION, PRINTING, AND BINDING
OF HARDCOPY BOOKS, AND FOR THE ACCESSIBILITY AND
DELIVERY OF ELECTRONIC BOOKS
ATTORNEY D/A1202,690-010417-
DOCKET NO.: US(PAR)

Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

(37 C.F.R. §1.192)

This is in response to the Notification of Non-Compliant Appeal Brief mailed May 7, 2008.
A revised "SUMMARY OF THE CLAIMED SUBJECT MATTER" is attached hereto.

Remarks

This is the third Notice of Non-compliance received with respect to the subject Appeal Brief. The Examiner started the Examination of the subject application in November, 2004, the Examiner should by now be intimately acquainted with the contents of this application and the Appeal Brief. The piecemeal presentation of objections is not consistent with recommended practice within the Patent Office and is prejudicial to the Applicant, see MPEP SECTION 707.07(g).

In this particular instance, paragraph 5 provides a concise explanation of independent claims 1 and 20. The Examiner objects to the reference to paragraph numbers in the specification. The specification, as published, contains paragraph numbers, according to the new format. Applicant used these references for the convenience of the Board. Since the original application was in the old format of page and line numbers and in response to the Examiner's objection, the references are now in the old format.

Please amend paragraph 5 as rewritten below:

[5] Summary Of The Claimed Subject Matter

Claim 1 of this application describes a print-on-demand method for creating and reproducing books with reference to figures 1-3 and in particular paragraphs, page 5, line 1 through page 6, line 3 of the original specification. In the method of independent claim 1, a complete book file is received from the originator at 104/106. The book file includes the book block in digital form, formatted with the digital structure and codes of an originating software, hardware, and operating system (page 5, lines 2-6). The digital structure and codes include particulars unique to the needs of the originator. In step 108 the book file is converted to have a solution-independent, intermediate format, in a universal format, in which the digital structure and codes are devoid of processing particulars unique to the needs of the originator (page 5, lines 9-12). The solution-independent, intermediate formatted book file along with book identification information is stored a mastered book (step 110), page 5, lines 12-17). In steps 112/114, the mastered book of step 110 is converted to a solution-dependent formatted book file to match the needs of a particular book reproduction system that is set up to reproduce the book from the solution-dependent formatted book file (118-122).

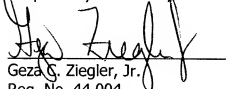
The print-on-demand system is intended to be described in independent claim 20 of this application and consists of functional computer elements constructed to execute the workflow illustrated in figures 1. A description of the system can be found on page 3, lines 11-21 of the specification. There are no specific reference numerals for the functional elements, therefore, references are to the workflow reference numbers in figures 1. The system includes software driven processors adapted to create and reproduce books by the reproduction workflows described above. Claim 20, as contained in the claim appendix, includes a word processing error that applicant sought to correct in its amendment after final rejection. The failure of the Examiner to enter the amendment to claim 20 has prejudiced applicant's ability to properly argue the merits of claim 20 herein. Clearly it should have been entered under 37USC1.116. For

the Board's information, Claim 20 is intended to cover a print-on-demand system for reproducing books. The system comprises a book file generator adapted to generate a digital representation with a digital structure and codes of an originating software, hardware, and operating system of a book targeted for reproduction (104/106). A solution-independent converter is adapted to convert the complete book file to have a solution-independent, intermediate format, in a universal format, devoid of said digital structure and codes of the originating system (108). A memory is adapted to store the converted book file along with book identification information as a mastered book (110). A solution-dependent converter is adapted to convert the solution-independent, intermediate formatted book file to a solution-dependent formatted book files to match the needs of the particular book reproduction workflow utilized (114). This enables a book reproducer to reproduce the book from the processed book file (122).

Applicant requests that with the above amended paragraph, the Appeal Brief be sent to the Board for review of the substantive issues in this application.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 24-0037.

Respectfully submitted,



Geza S. Ziegler, Jr.

Reg. No. 44,004

Perman & Green, LLP.

425 Post Road

Fairfield, CT 06824

Customer No. 2512

9 June 2008

Date